

REMARKS

Claims 22 and 23 are pending. Both claims 22 and 23 were rejected as being anticipated by the Smith reference (U.S. Patent No. 5,398,666). It was also noted in the office action that the oath or declaration in this divisional application does not include a reference to the prior application by serial number, filing date and status.

Applicants note that pursuant to 37 C.F.R. § 1.63(d)(1) a newly executed oath or declaration is not required in a divisional application, provided that a copy of the oath or declaration filed in the prior application is provided. A copy of the original declaration was provided with the filing of the current divisional application (see correspondence dated September 5, 2000 at paragraph 1). Applicants further note that the specification of the present divisional application has previously been amended to state: "This application is a divisional of application serial No. 09/267,981, filed March 12, 1999, which application(s) are incorporated herein by reference." See correspondence dated September 5, 2000 at paragraph 6. The current specification has been further amended by this amendment to indicate that the parent application has issued as U.S. Patent No. 6,125,740.

Claim 22 has been amended to more clearly state the claimed invention. As amended, claim 22 calls out that the upper and lower housings cover only a portion of the food support member. This limitation reflects one advantage of the present invention, namely, a method of cooking pizza without the necessity for an appliance large enough to encompass the entire pizza.

Applicants respectfully submit that the Smith reference does not disclose the claimed method. The Smith reference teaches the use of an appliance which completely encloses the pizza and the turntable. As best shown in FIGS. 1, 9, 10, 14 and 18, using two sidewalls, a top wall, a bottom wall, a front wall, a back wall, and a door, the Smith devices completely enclose the turntable 16 within a cabinet 20. See, e.g., column 5, lines 1-6. The walls and door of the Smith device constitute an upper and lower housing which cover the entire turntable (food support member). Therefore, the Smith reference cannot anticipate claim 22.

Furthermore, the present invention is not obvious in light of the Smith reference. Smith teaches the use of a convection heater for cooking in which it is imperative to guide and control the flow of air around the food to be cooked. Therefore, the Smith reference teaches the use of the walls mentioned above and further stresses that these walls are insulated to prevent thermal


conduction through the walls to the outside, unheated air. Controlling the air that surrounds the pizza is important to Smith's method of cooking which uses high velocity jets of heated air (i.e. 425°F at 2,700 feet/minute). In order to generate and recirculate efficiently these heated jets of air, the Smith reference teaches enclosing the turntable within a chamber or cabinet. The enclosed chamber and guiding ducts of the Smith device allow heated air to be recirculated at high speeds around the pizza. At column 15, line 39 - column 16, line 2, Smith even suggests the use of gaskets on the oven door to "sealingly engage" the wall of the oven when the door is closed. Thus, Smith was very concerned with controlling and even sealing the air that surrounds the pizza being cooked. In light of these teachings, it would not be obvious to modify the device of Smith to fall within the scope of claim 22 which requires that the upper and lower housings cover only a portion of the food support member, not the entire food support member.

In light of the above, Applicants respectfully submit that claim 22 and claim 23, which depends from claim 22, are in condition for allowance and respectfully request the same.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims

Claim 22 has been amended as follows.

22. (Amended) A method for cooking a pizza comprising the steps of:

placing a pizza on a generally circular, rotatable food support member having a central axis of rotation wherein the food support member is adapted to be disposed in a substantially horizontal orientation and the pizza is positioned over the axis of rotation of the food support member; and

rotating the pizza contained on the food support member multiple times through a heating chamber defined by upper and lower housings, [heating members where] the housings [chamber] covering [covers] only a portion of the food support member such that [the] heating members in the housings apply heat to only a portion of the pizza as it rotates through the heating chamber to cook the pizza.